

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PERCY LEVY,

12 Plaintiff,

13 v.

14 WASHINGTON STATE DEPARTMENT
15 OF CORRECTIONS, *et al*,

16 Defendants.

Case No. C08-5694RJB-KLS

ORDER REGARDING
PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS

17
18 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
19 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is
20 before the Court on defendants' filing of a motion to dismiss for failure to exhaust administrative
21 remedies. (Dkt. #3). On November 26, 2008, defendants filed their motion to dismiss, which currently is
22 noted for consideration on December 19, 2008. On December 19, 2008, defendants filed their reply (Dkt.
23 #4) to plaintiff's response to their motion. As noted in defendants' reply, however, it appears that
24 plaintiff never filed a copy of that response with the Court, even though he is obligated to do so by the
25 Local Rules of this Court. See Local Rule CR 7(b)(2).

26 Accordingly, plaintiff hereby is ordered to file a copy of his response to defendants' motion to
27 dismiss by **no later than January 23, 2009**. The Clerk shall re-note defendants' motion to dismiss (Dkt.
28 #3) for consideration on **January 30, 2009**. **Plaintiff is warned that failure to file a copy of his
response with the Court by that date may be considered as an admission that the motion has merit.**

1 **Local Rule CR 7(b)(2).**

2 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

3 DATED this 6th day of January 2009.

4
5
6 

7 Karen L. Strombom
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28